

1 ROBERT T. SULLWOLD (SBN 88139)
2 JAMES A. HUGHES (SBN 88380)
3 SULLWOLD & HUGHES
4 235 Montgomery Street, Suite 730
5 San Francisco, CA 94104
(415) 263-1850
(415) 989-9798 FAX

6 DEBORAH K. MILLER (SBN 95527)
7 JEFF S. ROSS (SBN 138172)
ORACLE CORPORATION
500 Oracle Parkway, 7th Floor
Redwood Shores, CA 94065
(650) 506-5200
(650) 506-7114 FAX

8 Attorneys for Plaintiff
9 ORACLE USA, INC.

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14
15 ORACLE USA, INC., a Colorado Corporation,

Case No.: CV 09-0537 MHP

16 Plaintiff

17 STIPULATION AND [PROPOSED] ORDER OF
DISMISSAL WITH PREJUDICE PURSUANT
TO RULE 41(a)

18 v.

19 XL GLOBAL SERVICES, INC., a Delaware
20 Corporation,

21 Defendant.

22
23 AND RELATED COUNTERCLAIM

24
25 Pursuant to Federal Rule of Civil Procedure 41(a) and the parties' settlement agreement
26 effective November 18, 2009, the parties, by and through their respective undersigned attorneys,
27 stipulate as follows:

1 1. The Complaint filed by Oracle USA, Inc., and each and every claim set forth therein,
2 shall be dismissed with prejudice.

3 2. The Counterclaim filed by XL Global Services, Inc., and each and every claim set
4 forth therein, shall be dismissed with prejudice.

5 3. Oracle USA and XL Global Services each waive all rights to recover costs and
6 attorneys' fees from the other party.

7 SO STIPULATED.

8 DATED: December 17, 2009

JAMES A. HUGHES
SULLWOLD & HUGHES

10 By: _____ /S/
11 James A. Hughes
12 Attorneys for Plaintiff and
13 Counterdefendant
14 ORACLE USA, INC.

15 DATED: December 17, 2009

SOMMERS & SCHWARTZ LLP

16 By: _____ /S/
17 Andrew H. Schwartz
18 Attorneys for Defendant and
19 Counterclaimant
20 XL GLOBAL SERVICES, INC.

21 *Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the
signatories' concurrence in the filing of this document has been obtained.*

ORDER

The parties to this action having so stipulated;

IT IS ORDERED:

(1) The Complaint filed by Oracle USA, Inc. is hereby DISMISSED WITH PREJUDICE.

(2) The Counterclaim filed by XL Global Services, Inc. is hereby DISMISSED WITH PREJUDICE.

(3) Each party to this action shall bear its own costs and attorneys' fees.

DATED: 12/18/2009

